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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/650,834 05/20/96 WREN

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EXAMINER

LMC1/0705

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ART UNIT

PAPER NUMBER

2761

DATE MAILED:

07/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/650,834

Applicant(s)

Stephen C. Wren

Examiner
Alexander Kalinowski

Group Art Unit
2761



☒ Responsive to communication(s) filed on Apr 21, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 20-29 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 20-29 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claims 20-29 are presented for examination. Applicant filed an amendment on 4/21/2000 canceling claims 10-19 and adding new claims 20-29. The Examiner conducted a new search for prior art. New grounds of rejection of claims 20-29 are established in the instant office action as set forth in detail below.

Response to Arguments

2. Applicant's arguments with respect to claims 20-29 have been considered but are moot in view of the new ground(s) of rejection. The Examiner further notes that Applicant states that the new claims are directed to the third aspect of the disclosed invention, namely, a system that lends itself to a consumer who uses computers and wishes to be left alone (see Paper No. 14, page 5). Applicant's cancellation of all previously pending claims, claims 10-19, and presentation of new claims 20-29 necessitated a new search for prior art by the Examiner.

3. With respect to dependent claims directed to storing customer profile information, the Applicant argues that Filepp does not disclose storing customer profile information (see Paper No. 14, page 11). The Examiner disagrees. Filepp discloses a computer based system permitting a user via a remote computing facility (i.e. personal computer) to perform desired transactions such as shopping and banking by accessing information from a central computer (see abstract and col. 6, lines 39-44). The system allows users to obtain access to information of interest and transactional services by interactive text/graphics sessions (col. 2, lines 22-28 and col. 6, lines 57-

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64). The system reports and stores data on user activity (i.e. customer profile) on the system (col. 9, lines 30-47 and col. 93, lines 27-43). The system uses this information to target advertisements to particular customers based on consumer marketing strategies. Therefore, Applicant's argument is deemed non-persuasive.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 20-22 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over King, Jr. et al, Pat. No. 5,319,542 (hereinafter King) in view of Filepp et al, Pat. No. 5,347,632 (hereinafter Filepp).

With respect to claim 20, King discloses in a network system for marketing and selling goods and services (i.e. ordering items from suppliers) which utilizes computerized remote customer communications facilities (i.e. customer system 102) electronically connected to computerized central communications facilities central communications with information relating to goods and services stored in a database (i.e. electronic catalog, public catalog 104)(col. 3, lines 41-51 and col. 4, lines 3-14), the improvement including:

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means enabling a customer at a computerized remote facility to establish contact directly with the central computerized facility in order to search in a self-service mode in the database at the central computerized facility for information of interest (i.e. public catalog is defined as cross industry catalog on a third party network for access by multiple customers. Customers access the catalog for information on items of interest sold by suppliers)(col. 3, lines 37-40, lines 49-51 and col. 4, lines 3-5);

computer means enabling said computerized central communications facility to transmit said information of interest to said computerized remote communications facility from said database in the form one of computer generated images, video, music, voice, data and audio (i.e. catalog query/display for logically guiding the requestors through the available catalog data. The method allows suppliers to transmit machine readable forms of their catalogs to customers via the public catalog)(col. 2, lines 24-28, lines ;

computer means at said computerized remote communications facility adapted to enable a customer to view said computer generated transmission (i.e. the system provides an electronic ordering system that allows simultaneous display of competitive price information)(col. 2, lines 1-3 and 56-64);

computing means at said computerized remote communications facility adapted to enable any portion of said computer generated transmission to be downloaded (i.e. customer searches catalogs for items to be purchased and loads pertinent ordering information into an electronic requisition)(col. 2, lines 60-64);

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means enabling the computerized central communications facility and the computerized remote communications facility to initiate a transaction based on said computer generated transmission download (i.e. electronic requisition ordering the selected item from the supplier)(col. 2, lines 60-64); and

means for periodically updating said computerized central communications facility to meet changing needs (i.e. catalog maintenance/update function allows the addition of catalog items)(col. 4, lines 34-37 and 55-57).

King does not explicitly disclose

means enabling said customer while viewing to back up, skip, and jump to information of interest;

However, Filepp discloses a computer based system permitting a user via a remote computing facility (i.e. personal computer) to perform desired transactions such as shopping and banking by accessing information from a central computer (see abstract and col. 6, lines 39-44). The system allows users to obtain access to information of interest and transactional services by interactive text/graphics sessions (col. 2, lines 22-28 and col. 6, lines 57-64). Users may access information of interest by through a user interface allowing the user to navigate from page to page (i.e. next, back, jump)(see Fig. 3b) thereby obtaining more information about applications of interest (see Fig. 3b and col. 9, lines 52-55). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means enabling said customer while viewing to back up, skip, and jump to information of interest within the King system in order to enable the

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users to obtain information and transactional information without interacting with sales personnel (col. 2, lines 22-33 and col. 6, lines 45-52).

King does not explicitly disclose

means for downloading application software from the computerized central communications facility to the remote communications facility to ensure control and protocol compatibility resulting from said updating.

However, the Examiner takes official notice that it was old and well known to update software at central facilities and download software in response to the upgrade to remote facilities in order to upgrade operating system software and to maintain communications between the central and remote facilities. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for downloading application software from the computerized central communications facility to the remote communications facility to ensure control and protocol compatibility resulting from said updating within the King system to maintain communications between the central and remote facilities.

With respect to claim 21, King does not explicitly disclose the system of claim 20 including means for linking the remote computerized facility with a plurality of competing central computerized facilities enabling a customer to connect with a second different central computerized facility after having been connected with a first central computerized facility offering competing goods and services.

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However, Filepp discloses a computer based system permitting a user via a remote computing facility (i.e. personal computer) to perform desired transactions such as shopping and banking by accessing information from a central computer (see abstract and col. 6, lines 39-44). Users may use the network access other computer systems (col. 4, lines 37-39). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the system of claim 20 including means for linking the remote computerized facility with a plurality of competing central computerized facilities enabling a customer to connect with a second different central computerized facility after having been connected with a first central computerized facility offering competing goods and services within the King system to enable the users to obtain information and transactional information from a large number of applications without interacting with sales personnel (col. 2, lines 22-33 and col. 6, lines 45-52).

With respect to claim 22, King does not explicitly disclose the system of claim 20 wherein the services are financial.

However, Filepp discloses a system that provides information of interest to a customer that includes financial information (i.e. banking, financial needs)(col. 6, lines 39-61). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the system of claim 20 wherein the services are financial within the King system in order to enable the users to obtain information and transactional information without interacting with sales personnel (col. 2, lines 22-33 and col. 6, lines 45-52).

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With respect to claim 24, King does not explicitly disclose the system of claim 20, including means adapted to enable a customer to browse to a higher information level to learn about goods and services at that level of knowledge.

However, Filepp discloses a computer based system permitting a user via a remote computing facility (i.e. personal computer) to perform desired transactions such as shopping and banking by accessing information from a central computer (see abstract and col. 6, lines 39-44). The system allows users to obtain access to information of interest and transactional services by interactive text/graphics sessions (col. 2, lines 22-28 and col. 6, lines 57-64). Users may access information of interest by through a user interface allowing the user to navigate from page to page (i.e. next, back, jump)(see Fig. 3b) thereby obtaining more information about applications of interest (see Fig. 3b and col. 9, lines 52-55). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means enabling said customer while viewing to back up, skip, and jump to information of interest within the King system in order to enable the users to obtain information and transactional information without interacting with sales personnel (col. 2, lines 22-33 and col. 6, lines 45-52).

With respect to claim 25, the system of claim 20 including means for recording customer responses during use of the system to build a customer profile.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer(col. 2, lines 46-

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50 and col. 93, lines, lines 28-43). The recorded customer responses represent the customer profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for recording customer responses during use of the system to build a customer profile as disclosed by Filepp within the King system in order to target advertisements ro product offers to specific customers based on consumer marketing strategies developed from the customer profile information (col. 93, lines 39-43).

With respect to claim 26, King does not explicitly disclose the system of claim 25 including means for using the customer's profile to determine information to be presented for him.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer(col. 2, lines 46-50 and col. 93, lines, lines 28-43). The recorded customer responses represent the customer profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for using the customer's profile information to determine information to be presented to him as disclosed by Filepp within the King system in order to target advertisements ro product offers (i.e. information) to specific customers based on consumer marketing strategies developed from the customer profile information (col. 93, lines 39-43).

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With respect to claim 27, King does not explicitly disclose the system of claim 25 including means for periodically updating the customer profile.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer(col. 2, lines 46-50 and col. 93, lines, lines 28-43). The recorded customer responses represent the customer profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). Furthermore, the information is gathered each time the user accesses the system (i.e. periodically)(col. 93, lines 19-26). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for periodically updating the customer profile as disclosed by Filepp within the King system in order to target advertisements or product offers to specific customers based on consumer marketing strategies developed from the customer profile information (col. 93, lines 39-43).

With respect to claim 28, King does not explicitly disclose the system of claim 25 including means for providing commercials during a customer's request for additional information.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer(col. 2, lines 46-50 and col. 93, lines, lines 28-43). The recorded customer responses represent the customer profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). Furthermore, the information is gathered each time the

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user accesses the system (i.e. periodically)(col. 93, lines 19-26). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for periodically updating the customer profile as disclosed by Filepp within the King system in order to target advertisements or product offers to specific customers based on consumer marketing strategies developed from the customer profile information (col. 93, lines 39-43).

With respect to claim 29, King does not explicitly disclose the system of claim 25 including means for recording a stopping point in the customer's last on-line presentation in case contact is resumed.

However, the Examiner takes official notice that it was old and well known in the computer arts to provide a stopping point in a user's presentation (i.e. saving a file which represents a potential transaction). This allows a user to resume a transaction at a later date without having to resubmit previously entered information. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for recording a stopping point in the customer's last on-line presentation in case contact is resumed within the King in order to allow a customer to resume a transaction at a later date without having to resubmit previously entered information.

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6. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over King and Filepp as applied to claim 21 above, and further in view of Lockwood, Pat. No. 5,576,951.

With respect to claim 23, King does not explicitly disclose the system of claim 20, wherein the services are real estate transactions.

However Lockwood discloses a data processing system that facilitates commercial and financial transactions between remotely located workstations (see abstract and col. 1, lines 31-35). Lockwood discloses the commercial transactions are real estate transactions (i.e. sale of real estate property)(col. 16, lines 24-26). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the system of claim 20, wherein the services are real estate transactions within the King system in order to dispense information, goods and services from a wide variety of service industries (col. 6, lines 42-44).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Pat No. 5,025,373 discloses a portable banking system comprising a portable terminal that provides a range of banking services in communication with a host computer.

b. WO 9741688 A1 discloses a system for providing audio visual presentations to a consumer.

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

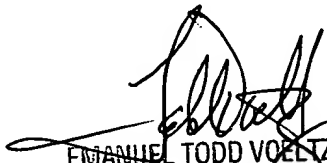
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 8:30 AM to 6:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Emanuel Todd Voeltz, can be reached on (703) 305-9714. The fax telephone number for this group is (703) 305-0040.

Alexander Kalinowski *AK*

7/2/2000


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